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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1422ND MEETING

Held at Headquarters, New York,
on Thursday, 15 July 1993, at 10 a.m.

Chairman: Mr. LOHIA (Papua New Guinea)

- Special Committee decision of 15 August 1991 concerning Puerto Rico

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The meeting was called to order at 10.45 a.m.

SPECIAL COMMITTEE DECISION OF 15 AUGUST 1991 CONCERNING PUERTO RICO

The CHAIRMAN: Members have before them a number of communications containing requests for hearing, which have been circulated in aide-mémoire 14/93 and Add.1.

If there are no objections, may I take it that the Committee agrees to accede to these requests?

It was so decided.

The CHAIRMAN: As of this meeting, there are 38 organizations wishing to be heard by the Committee. In accordance with established practice, the Committee will hear only one representative from each of the organizations. I would suggest that, where possible, organizations sharing similar viewpoints should select one person to speak on their behalf. Further, I should like to appeal to the petitioners to speak to the point and try to limit their statements to a maximum of 10 minutes in order to allow all of them to be heard before the Committee.

Since we have so many speakers this morning on this question, I should also like to suggest that any questions members of the Committee may have in relation to the statements of the petitioners be left until the end of the hearings. However, if members have any urgent questions to raise after a petitioner has spoken, then they are of course free to indicate their interest.

If I hear no objection, we shall follow that procedure.

It was so decided.

At the invitation of the Chairman, The Honourable Baltasar Corrada del Río, Secretary of State of Puerto Rico, took a place at the Committee table.

The CHAIRMAN: I call on Mr. Corrada del Río, who will speak on behalf of The Honourable Pedro J. Rosselló, Governor of Puerto Rico.

Mr. CORRADA del RIO (interpretation from Spanish): My name is Baltasar Corrada del Río. I am Secretary of State of Puerto Rico. The Governor of our island, The Honourable Pedro J. Rosselló, has asked me, as Secretary of State and past President of his Party, to represent him before the Committee , both in his capacity as Governor of Puerto Rico and as President of the New Progressive Party, in order to address the process of self-determination we began on 4 July. It is a great honour and a source of great satisfaction for me to do so.

It was almost 500 years ago that Christopher Columbus reached Puerto Rico, thus beginning an era of colonialism, first under Spain and then the United States, which has not yet ended. The majority of our people understand that, following almost five centuries of colonialism, the time has come to take a stand on this situation of political subordination.

Prior to the general elections of November 1992, Governor Rosselló and what is today the majority party in Puerto Rico, the New Progressive Party, understood that our people harboured a genuine desire to have the opportunity to exercise truly and effectively the right to determine its political future. This intention to take affirmative steps leading to a solution to the problem of political status of Puerto Rico arose basically because of the dissatisfaction of the majority of the people of Puerto Rico with its political status.

Hence, the current Governor took up this yearning of the Puerto Rican people and made it one of the main planks of his campaign last year; it is therefore reflected in the Party's Government Programme, which states:

(Mr. Corrada del Río)

"... it is a key issue of this electoral campaign to arrive at the final decolonization of Puerto Rico. To achieve this goal we propose: first, the holding of a plebiscite on the initiative of Puerto Rico through a law to be adopted by the Puerto Rican Legislature, so that our people can have the opportunity of choosing among the three options that have been discussed for so many years: statehood, or political integration; independence or separation; and commonwealth status" - or free association, as it has been called.

The result of the 1992 elections can be interpreted clearly and without reservation as a mandate by the people of Puerto Rico for the Government Programme presented by the New Progressive Party, particularly as regards those matters that were fully explained to the electorate. I call this a mandate because there is no other way of describing the success of the New Progressive Party in these elections. Governor Pedro Rosselló triumphed, obtaining a majority of over 75,000 votes; this is something that had not happened in Puerto Rico in the past 20 years, and the Party won a two-thirds majority both in the Senate and in the House of Representatives.

In accordance with this mandate, on 20 May this year, Governor Pedro Rosselló submitted to the Legislature for its consideration a draft of what is now the law providing for a plebiscite on the political status of Puerto Rico, to take place on 14 November 1993. The Joint Commission on the plebiscite on Puerto Rico's political status was established by the legislative leadership and entrusted exclusively with this very important measure.

The process of public hearings was conducted from 15 to 19 June, with over 40 depositions. The first three days of public hearings were televised so that the people of Puerto Rico would be able to hear the presentations of

(Mr. Corrada del Río)

the leaders of the three Puerto Rican political parties of electoral standing, including their respective ideologies.

In those five days of public hearings, many of the participants presented various amendments to the draft; they were all duly considered. The majority Party controlling two thirds of the Senate and the House of Representatives did not impose its own definitions on each and every one of the status formulas - statehood, independence or commonwealth - but provided legislation to ensure that each Party would define its own preferred formula or option. At the same time, the three main political parties - the New Progressive Party, which I represent and which is pro-statehood; the Puerto Rican Independence Party, which is pro-independence; and the Popular Democratic Party, which favours some form of association - were in the process of defining the status formula they intended to submit to the electorate. Those definitions will be incorporated by the Joint Commission in the plebiscite process. Hence, the process of defining the status formula will be subject to public debate as the sole controlling factor. It will be the people that will decide what is appropriate or what is inappropriate; what is true or what is deceptive; and what is viable or unfeasible in each definition.

Another element of justice and fairness in the plebiscite process is the use of public funds and limits on expenditures incurred by the Parties that represent the political status options in the plebiscite. The amount of public funds assigned to each formula was increased from $750,000 to $900,000. The Parties that accept public funds are limited to spending up to $3 million in their plebiscite campaigns, out of which no more than $1.5 million can be used in the media. This means that each Party will have sufficient financial resources to cover at least 60 per cent of the expenditures permitted in connection with the media.

(Mr. Corrada del Río)

Governor Rosselló has been emphatic in seeing to it that this process be fair for each status formula, and that the New Progressive Party, as the Government Party not have the advantages that political parties in power usually enjoy. In spite of the fact that the Electoral Law currently in force prohibits the use of publicity by the Party in power during the months preceding general elections, this prohibition in the Law does not apply in the case of special elections. None the less, Governor Rosselló has decided to include a similar prohibition with regard to the plebiscite in order to prevent the Party in power from making undue use of public funds for political purposes; this means that publicity on the part of government agencies will be prohibited beginning 60 days before 14 November, the date of the plebiscite.

On 14 November, each voter will have three status formulas to choose from. Two of them, independence and statehood or political integration, easily meet the requirements of United Nations General Assembly resolution 1541 (XV). But there is concern about the definition of commonwealth status that is being submitted to the electorate by the Popular Democratic Party. This formula must meet the requirements of Principle VII of General Assembly resolution 1541 (XV) as regards commonwealth status:

> "(a) Free association ... retains for the peoples of the territory which is associated with an independent State the freedom to modify the status of that territory through the expression of their will by democratic means ...
>
> "(b) The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people." (General Assembly resolution 1541 (XV), Principle VII)

(Mr. Corrada del Río)

These are attributes that only a territory that enjoys full sovereignty can have. However, the commonwealth status - which is the form of association being advocated by the Popular Democratic Party in Puerto Rico - at present does not enjoy full sovereignty since that resides in the Congress of the United States through the Territorial Clause of the United States Constitution. This was the interpretation of the Supreme Court of the United States in the case of Harris v. Rosario, 1980, where it allowed different and inferior treatment for applying Federal assistance programmes in Puerto Rico for people with low incomes because Puerto Rico is an unincorporated territory.

Recently, in the case of the United States v. Sanchez, which was decided on 4 June last by the United States Federal Appeals Court for the Eleventh District, the Court considered our political status and a United States Federal judge said:

> "... the Congress has simply delegated more authority to Puerto Rico regarding internal affairs. This has in no way changed the constitutional status of Puerto Rico as a territory, or the source of authority over Puerto Rico. The Congress remains the ultimate source of authority on the basis of the Territorial Clause of the Constitution".

And, later, that same United States Appeals Court judge, who was appointed by the President of the United States, said in his opinion that:

> "... Congress is able unilaterally to revoke the Constitution of the Commonwealth State of Puerto Rico and the law of Federal relations, and replace it by any other legislation of its choice."

Should the definition of "Commonwealth State" not be in keeping with the parameters of "free association", then what we have is a formula which does not decolonize us because the Commonwealth State does not enjoy full sovereignty and does not have full self-government; we would be talking about

(Mr. Corrada del Río)

a formula that is the same as or very similar to the "Commonwealth State" referred to by the judge that I just quoted. It is therefore up to the Popular Democratic Party to make sure that its choice of status meets the criteria of permanence and free determination.

In Principle VIII of resolution 1541 (XV), the United Nations fully recognizes statehood or integration as a decolonization formula:

> "Integration with an independent State should be on the basis of complete equality between the peoples of the erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated. The peoples of both territories should have equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms without any distinction or discrimination; both should have equal rights and opportunities for representation and effective participation at all levels in the executive, legislative and judicial organs of government".

Statehood or integration is a decolonization formula that would enable the people of Puerto Rico to acquire complete freedom and sovereignty, as would independence and free association as defined by the Organization. As an example of this, we have the case of the process of self-determination and the subsequent admission of Alaska and Hawaii as States of the Union. These had at one time been subject to the United Nations trusteeship regime. This process obtained complete recognition by the United Nations in its resolution 1469 (XIV). The peoples of Alaska and Hawaii effectively exercised their right to self-determination and they attained a full measure of self-government, and in attaining that status they acquired complete freedom and sovereignty.

Resolution 1469 (XIV) also represents the General Assembly's recognition

(Mr. Corrada del Río)

that the process through which territories have traditionally obtained admission to the United States Union is a decolonization process, and this is precisely the type of process that is contemplated by Law 22 of 4 July 1993, adopted by the Legislature of Puerto Rico and by the Governor: it is a process in which the territory decides and acts first, and only afterwards does Congress respond.

Once the referendum has been conducted, it is expected that winning formula will be put to the Congress of the United States so that the terms and conditions required to implement the formula can be negotiated. However, before final implementation and this possible change in status, the terms and conditions would be submitted in a referendum to the people of Puerto Rico so that they can either accept or reject them.

Some people have said that there must be a prior declaration by the United States Congress committing it to accepting the results of the referendum, and in turn recognizing the right to self-determination of the people of Puerto Rico. These people argue that otherwise the process would not be a genuine process of self-determination. But how many declarations by Congress do we need to feel able to move forward with a process of self-determination? After all, Congress came out in favour of this on 2 August 1979 when it approved concurrent resolution HR 165, which I submitted to the House of Representatives of the United States when I was Resident Commissioner:

> "Congress takes this opportunity to reaffirm its commitment to respect and support the right of the people of Puerto Rico to determine their own political future through a free, peaceful and democratic process".

We are thoroughly convinced that the right to self-determination of the

(Mr. Corrada del Río)

people of Puerto Rico is protected in the fundamental principles enshrined in the Declaration of Independence of the United States and in the United States Constitution: principles such as freedom, democracy, government by consent of the governed, the sovereignty of the people and self-government. This right has also been recognized repeatedly by the Presidents of the United States from President Dwight D. Eisenhower up to President Bill Clinton. It is also an inalienable right of the human being that requires no recognition and no prior action is required for it to exist or to be exercised.

Although at the present time there is an interest on the part of Congress in reaffirming the right of Puerto Ricans to self-determination, it is the position of Governor Rosselló and of the majority Party in Puerto Rico, the New Progressive Party, that that right of the Puerto Ricans would best be served at this time by avoiding any type of comment or intervention from outside Puerto Rico.

Therefore, on Tuesday last I testified before the Subcommittee on Island and International Affairs of the House of Representatives of the United States, saying that it was not necessary for there to be a declaration by Congress at the present time because Congress had already put on record its recognition of this inalienable right of the people of Puerto Rico - in 1979 - and also since Puerto Ricans have taken their own decision to exercise our right of self-determination; we expect that Congress will subsequently respond to the result of that exercise.

Similarly, I should like to say that we also do not consider it necessary at the present time for there to be intervention by the United Nations, although we do urge it to monitor this process attentively until the decision of the people of Puerto Rico is finally implemented and until it culminates in

(Mr. Corrada del Río)

the final decolonization of our island. It will be important for the Committee and for the United Nations to remain informed of the form and manner in which the United States Congress responds to the call by the people of Puerto Rico in the referendum of 14 November 1993, and of the subsequent implementation of the majority will of the people of Puerto Rico in complete fulfilment of the repeated undertakings given by the United States of America to this Organization on the right of self-determination of the people of Puerto Rico.

The CHAIRMAN: I thank The Honourable Baltasar Corrada del Río, Secretary of State of Puerto Rico for the statement he has just made; the information that he has provided is important for the work of the Committee. We wish him every success in the consultations on which he has embarked with the parties concerned.

Mr. MARTINEZ ROUE (Cuba) (interpretation from Spanish): I wish to take this opportunity, given that we have present here at our meeting the representative of the Government of Puerto Rico, because this is an opportunity that we do not often have, to put questions to him. Also, we wish to express our thanks for the very important information he has given us this morning.

There are three questions that we should like to put to the representative in order to be clearer about the process that will take place with the plebiscite, and at the same time in order to be able to hear from the Secretary of State of Puerto Rico what role he and his Government - the Government of Puerto Rico - see for the United Nations decolonization Committee in the decolonization process for which we have all been working for some years now.

(Mr. Martínez Boué, Cuba)

What guarantees are there that the results of the plebiscite will be put into effect or supported by the Government of the United States?

And one last question that is very closely related to that question: has the Government of the United States played any role in the holding or organization of this plebiscite as an exercise of self-determination by the people of Puerto Rico?

For the moment, these are my questions.

The CHAIRMAN: I thank the representative of Cuba for the remarks he has just made and the questions he has put before the Committee.

If he wishes to respond to those questions, I shall now call on the Secretary of State of Puerto Rico.

Mr. CORRADA DEL RIO (interpretation from Spanish): As we see it, the problem of Puerto Rico's political status is a problem that should and must be resolved through discussion, dialogue and negotiation between the people of Puerto Rico and the people of the United States of America. We are confident that in that dialogue, communication and conversation between the people of Puerto Rico and the people of the United States, specifically through the United States Congress and with the White House, it will be possible for us to find the right solution to this problem.

It is our understanding that this Committee, which is responsible for the implementation of resolution 1514 (XV), should carry out that function also by virtue of the provisions of resolution 1541 (XV), which recognizes the three formulas or status options for resolving the problem of decolonization of Puerto Rico. At this time I would say that we see the role of this Committee as one of following closely this process between the people of Puerto Rico and the people of the United States. As I have already said, we are confident that in those talks Puerto Rico and the United States will find the right

(Mr. Corrada del Río)

solution to this problem. However, should that not be the case this Committee should continue to monitor events. That is the role I see for the Committee.

On the question of whether the results of the plebiscite will be supported by the Government of the United States, I should point out our understanding that from 1989 to 1991 there was a process of discussion among representatives of Puerto Rico's three political parties and the United States Congress with a view to seeing whether it would be possible for the United States Congress to pass a federal plebiscite law so that Puerto Rico could conduct a plebiscite. Unfortunately, that legislation was not passed by the United States Congress. One of the main problems facing that legislation's approval by the United States Congress was that there was an attempt to predefine the formulas of independence, commonwealth and statehood under which the Congress would be able to grant any of those alternatives to the people of Puerto Rico. There was resistance to this on the part of many United States Congressmen because American tradition, consistently followed in the cases of the 37 Territories that have requested statehood and that have been admitted, has been that the Territory acts first and decides which of the different alternatives it wants and that the Congress then responds.

Drawing from that lesson, we reached the conclusion - and this was proposed to the people by Governor Rosselló in the last electoral campaign - that we should not follow that process of first asking Congress to define the conditions under which it would grant one of these three formulas but rather that it would be more appropriate for the people of Puerto Rico to make their own decision on which of these three choices it favours, and then, with the mandate of the people, we could go to Congress and call for implementation of the winning formula. I trust that if we have that mandate of the people of

(Mr. Corrada del Río)

Puerto Rico given in the plebiscite of 14 November, the United States Congress will act fittingly, expeditiously and diligently, as it did not, unfortunately, do in the process from 1989 to 1991.

In answer to the last question put to us by the representative of Cuba, I should like to point out that, with respect to the role played by the United States Government in organizing this plebiscite legislation, it played none. We, the Governor of Puerto Rico and the majority Party in Puerto Rico, decided to take this legislation for a plebiscite as a completely Puerto Rican initiative because of what happened from 1989 to 1991. In other words, by virtue of our full right to self-determination we took the step of calling for a plebiscite, and once that plebiscite is held, it is up to the United States Congress to respond. Of course, we have informed the United States Congress of what we are doing. I did this two days ago in hearings before the Committee of the Interior of the United States Congress. We trust that the Congress will respond positively and that this plebiscite, which is an initiative by Puerto Rico, is appropriate, because it is the people of Puerto Rico themselves who must begin the process of decolonization.

The CHAIRMAN: On behalf of the Committee I wish to thank once again the Secretary of State of Puerto Rico for the important information he has furnished to the Committee.

Mr. Corrada del Río withdrew.

At the invitation of the Chairman, Mr. Carlos Noriega Rodríguez (Colegio de Abogados de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Noriega Rodríguez.

Mr. NORIEGA RODRIGUEZ (interpretation from Spanish): My name is Carlos Noriega Rodríguez, and I am the current President of the Bar Association of Puerto Rico.

I am deeply grateful for the opportunity to appear before this Committee on behalf of the institution over which I have the honour to preside, whose honourable mission it is to put an end to colonialism wherever on this planet it may exist and in any of its vile manifestations.*

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* Mr. Hidalgo Basulto (Cuba), Vice-Chairman, took the Chair.

(Mr. Noriega Rodríguez)

The Bar Association of Puerto Rico is the oldest professional institution in Puerto Rico. It is one which has been serving our country since 1840. Its 8,654 members have a pluralist and heterogeneous organization in which various ideologies coincide. Hence the resolutions and agreements that are issued by the Bar Association respect this plurality, and for this reason they do not always represent the unanimous view of its members.

Since 1977, our representatives have year after year appeared before the Committee in order to submit reports, resolutions and statements that result from our analysis of Puerto Rico's constitutional development and of the political-legal relationship between Puerto Rico and the United States of America. This exhaustive analysis, this enormous effort and the energy that has been put to this task over the years have led us to the unimpeachable conclusion that that relationship is a colonial one of degrading political subordination. This analysis has also led us to conclude that it is to this Committee that we must bring our problems; first of all, because it is the appropriate organ with the proper jurisdiction to deal with the matter; and, secondly, because historically it has been the appropriate forum to defend, protect and safeguard the cause of liberation the world over. Colonialism, we all know, is a terrible sin which strangles the dignity of the peoples who are its victims and corrupts the spirit of the human beings that suffer under it.

Today we appear before the Committee to ask that it be demanded - yes, demanded once again - that there be a process of decolonization in order for there to be a genuine, free and democratic exercise of the inalienable right to self-determination of and by the people of Puerto Rico.

(Mr. Noriega Rodríguez)

On 30 June 1992 - in other words, last year - the Bar Association appeared before the Committee and urged it to ask of the Government of the United States of America a specific plan for the people of Puerto Rico validly to exercise its right to self-determination.

The Government of the United States has not yet fulfilled its obligation to Puerto Rico. It continues to turn its back on the just claims of a people that has been suffering and putting up with the ignominious fate of living in a colony - a badge of shame for that people and for the world. Reason alone makes it shameful for the Government of the United States to maintain a colony in the American hemisphere on the very threshold of the twenty-first century.

Hence, it seems to us just and necessary to inform the Committee of what is happening in our homeland. In doing so, we are carrying out a legitimate function: to identify the minimum substantive and procedural requisites that must be met from the standpoint of international law and United States constitutional law in any vote that meets the definition of a plebiscite. However, we must point out that our function has not been, is not, and will not be, one of telling the people how it should vote. This is something to be decided by the people of Puerto Rico alone, in a free and democratic expression of its will.

Exactly 11 days ago, the Governor of Puerto Rico signed the law which, according to its title, "provides for the holding of a plebiscite on the political status of Puerto Rico", in accordance with which a plebiscite is to be held on 14 November this year in which eligible voters will be able to express their preference among the traditional status formulas included on the ballot in the following order: statehood, commonwealth status and independence.

(Mr. Noriega Rodríguez)

This law provides that the definition for each of the three formulas will be drafted by the main political party that proposes the corresponding formula, but this definition will not be on the ballot and will instead be submitted in another document. When we appeared before the Legislative Assembly of Puerto Rico to discuss this issue, we stated there what we are reiterating with even greater conviction today before the Committee. We have submitted copies of our presentation to the Legislative Assembly of Puerto Rico.

The so-called plebiscite proposed in the aforementioned legislation is not truly a plebiscite with binding legal value in terms of both international law and United States constitutional law. Nor does it meet the substantive and procedural principles elaborated by the Bar Association over the past 30 years for plebiscites that can constitute a genuine exercise of self-determination by the people of Puerto Rico.

Specifically, the aforementioned draft law, first, does not guarantee that the formulas the people will have before it are all based on the principle of sovereignty, are of equal political dignity, are of a non-colonial nature and are not subordinated to the authority of Congress under the Territorial Clause of the United States Constitution.

Secondly, there is no commitment whatsoever on the part of the United States Congress to respect or carry out the freely expressed decision of the people.

Thirdly, it provides for the holding of a vote in the current context, in which it is the Government of the United States that has sovereignty over the people of Puerto Rico, without there being any transfer of sovereign powers to the people or to an organ that could be the depositary of the people's sovereignty.

(Mr. Noriega Rodríguez)

Fourthly, it provides for the holding of a plebiscite without having put an end to those conditions that subvert the free exercise of self-determination, inter alia, the United States military presence in Puerto Rico, the exercise of authority by the United States Government in Puerto Rico and the validity of United States legislation.

Fifthly, it does not provide for the participation of all Puerto Rican nationals in the voting process and allows for the participation of persons who are not Puerto Rican nationals.

The draft law contained certain provisions on expression of will, its significance and the establishment of a negotiating commission. These provisions were eliminated; hence the November plebiscite is nothing but a survey of preferences without legal consequences, a sterile, divisive exercise by the people of Puerto Rico that in no way moves forward the process of decolonization and the exercise of the inalienable right of the people of Puerto Rico to self-determination.

Aware of the vital historic responsibility of guiding the people of Puerto Rico in a valid and definitive exercise of its right to self-determination on the basis of General Assembly resolution 1514 (XV), our organization has concluded that the so-called plebiscite does not meet the criteria and principles required for a valid, binding plebiscite, nor does it meet the requirements of a genuine process of decolonization.

We are fulfilling our obligation to alert the international community, so that no false representations will be accepted. The so-called plebiscite to be conducted in our homeland is not only an exercise in futility but also a costly undertaking which will take millions of dollars from the pockets of Puerto Rican taxpayers, without any hope whatsoever of obtaining a result that can remove the indignity being suffered by the country for some five centuries.

(Mr. Noriega Rodríguez)

The picture I have outlined, apart from being shameful, is gloomy indeed. The inaction of the United States Government and the carrying out of a survey or so-called plebiscite inconsistent with international law has prompted us to submit to the Committee, by way of suggestion, the following course of action.

The United Nations, through the Committee on Decolonization, with the endorsement of the General Assembly, as well as the Bar Association of Puerto Rico, has recognized that Puerto Rico has never been able to exercise its right to self-determination and that the Government of the United States has the obligation to promote the full exercise of this right by the people of Puerto Rico.

(Mr. Noriega Rodríguez)

The Government of the United States has invariably rejected the Special Committee's resolutions on Puerto Rico and has always, without exception, based its rejections on the assertion that Puerto Rico achieved autonomous status with the establishment of the commonwealth status in 1953 and that that status was internationally validated by the General Assembly in resolution 748 (VIII), which, among other things, relieved the United States of the obligation of submitting reports on Puerto Rico to the Secretary-General on the grounds that the colonial relationship between the administering Power and the island had come to an end.

The net result of this clear divergence between the decolonization Committee and the Government of the United States on the question of Puerto Rico has been total paralysis and the virtual obstruction of the many efforts made by both our people and the international community to resolve the distressing problem of Puerto Rico's political status. This obstacle is due in large part to the enormous pressure brought to bear by the United States Government. Also contributing to the growth of that dense web of impediments are the conflicting opinions and actions of various branches of the United States Government, such as the divergent and contradictory opinions of its own courts. In the recent case of United States versus Sánchez, 992 F2d 1143, decided on 4 June this year, the Eleventh Federal Circuit Court of Appeals of the United States ruled that the United States Congress can unilaterally revoke or derogate the Constitution of the commonwealth or the statute that governs relations between Puerto Rico and the United States. In its analysis it concludes that Puerto Rico remains a Territory of the United States of America.

The Court says that neither the Federal Relations Law nor the establishment of the Constitution of the commonwealth changed the nature of

(Mr. Noriega Rodríguez)

the constitutional status of Puerto Rico as a Territory; nor did they change the source of authority over Puerto Rico. The United States Congress remains the source of ultimate authority over Puerto Rico under the terms of the Territorial Clause of the United States Constitution. This authority, says the Eleventh Circuit Court of Appeals, includes the ability to revoke unilaterally the Constitution of Puerto Rico or the Federal Relations Law and replace it with any law or regulation of its choice.

Even more importantly, though, the Appeals Court recognizes that for a Territory to become a federated state the Congress must at some point rescind and relinquish its authority over the territorial lands so that the people of those lands can approach the United States as an independent entity and then request admission to the federated union. This statement by the Court shows with all clarity that Puerto Rico's colonial status remains the same as it was before the adoption of resclution 748 (VIII).

By virtue of Article 96 of the United Nations Charter, the General Assembly is empowered to request advisory opinions of the International Court of Justice in the Hague on matters of international law that might require clarification. On a number of occasions the General Assembly has requested the International Court of Justice to submit advisory opinions relating to colonial problems that have given rise to conflicts between States and the United Nations. The opinions handed down by that Court have been of great help in the search for harmonious solutions to difficult and complex cases. By way of example I mention the Advisory Opinions dated 11 July 1950, 11 October 1954 and 1 June 1956 on South-West Africa; the Advisory Opinion of 21 June 1971 on the presence of South Africa in Namibia; and the Advisory Opinion of 16 October 1975 on Western Sahara.

(Mr. Noriega Rodríguez)

In resolution 3232 (XXIX) of 12 November 1974, the General Assembly

"Recommends that United Nations organs and the specialized agencies should, from time to time, review legal questions within the competence of the International Court of Justice that have arisen or will arise during their activities and should study the advisability of referring them to the Court for an advisory opinion, provided that they are duly authorized to do so". (resolution 3232 (XXIX), para. 5)

The definition of Puerto Rico's status, in the light international law and specifically in the light of the apparent discrepancies between resolutions 748 (VIII), 1514 (XV) and 1541 (XV), as well as the resolutions on Puerto Rico adopted by the decolonization Committee in 1972, 1973, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990 and 1991, would be an invaluable contribution to the most expeditious resolution of Puerto Rico's political status. We believe that this definition should be seen as an essential element for ensuring our people's inalienable right to self-determination.

For all these reasons, the Bar Association asks that the decolonization Committee consider recommending to the General Assembly that it request an advisory opinion of the International Court of Justice to define the status of Puerto Rico under existing international law, taking into account the above-mentioned resolutions and the clear discrepancy between the way these resolutions are interpreted by the decolonization Committee and the Government of the United States of America.

(Mr. Noriega Rodríguez)

The Association asks that when this request is made to the International Court of Justice we be allowed to appear before that Court as an organization that represents the legal profession in our country, where we are the oldest professional institution and the only organization that has succeeded in harmonizing in many resolutions over the past half century the divergent positions that reflect all aspects of Puerto Rican political thinking. Five hundred years of colonialism is a great deal of colonialism. Quosque tandem?

The CHAIRMAN (interpretation from Spanish): I thank Mr. Carlos Noriega Rodríguez for the substantive contribution to the work of our Committee he made on behalf of the Bar Association of Puerto Rico.

I assure him that the Committee has duly noted his suggestion that an advisory opinion should be sought from the International Court of Justice to define the status of Puerto Rico under international law.

Mr. Noriega Rodríguez withdrew.

At the invitation of the Chairman, Ms. Miriam Ramírez de Ferrer (Puertorriqueños en Acción Cuidadana) took a place at the Committee table.

Ms. RAMIREZ de FERRER (Puerto Ricans in Civic Action) (interpretation from Spanish): My name is Míriam J. Ramírez de Ferrer. I am a doctor by profession, and I practise on the island of Puerto Rico. I appear before this lofty body of the United Nations as a representative of Puerto Ricans in Civic Action, a non-partisan civic organization, whose goal is to promote the exercise of the right to self-determination.

Our organization gathered more than 350,000 individual petitions by American citizens residing in Puerto Rico to the United States Congress requesting that the United States Congress grant statehood to Puerto Rico, that is to say, requesting that the island of Puerto Rico enter the United States of America as its fifty-first state.

Two days ago we testified before the United States Congress and insisted that it has the moral obligation to define for the Puerto Rican people how their civil rights are affected by the various final status options offered in the plebiscite.

One of the most controversial parts of the discussion of Puerto Rico's status is the case of the United States report to the United Nations on Puerto Rico in 1953. There is a political sector in Puerto Rico that asserts that this report determined that Puerto Rico enjoyed a final status and thus ceased to be a Territory of the United States. Today, however, we shall make public the recently declassified official document of the Department of State entitled "Foreign Relations of the United States 1952-1954" which, on page 1433, refers to the issue of Puerto Rico. It says,

(spoke in English)

"Puerto Rico has not become and independent nation; neither has it become a State of the Union. It remains a Territory of the United States."

(Ms. Ramírez de Ferrer)

(spoke in Spanish)

This item will help to clear up the doubts created since 1953, which have generated so much controversy in the discussion of the final status of Puerto Rico.

Since the inception of our organization, we have promoted the holding of a plebiscite in Puerto Rico so that the 3.5 million United States citizens residing in Puerto Rico could express their preference on the question of status. We are confident that the majority of the people in Puerto Rico will choose federal statehood.

Despite the fact that the island of Puerto Rico enjoys a certain degree of self-government, its final political status remains unresolved.

In past years, taking into account the principle of people's right to self-determination, the United States Congress, within the constitutional framework, engaged in a legislative process leading to the passing of federal legislation making it possible to hold a plebiscite for Puerto Rico to resolve, once and for all, its final political status. However, we understand that this process has been interrupted and postponed due to the intervention of great economic interests which are not suited by the island's resolving its final status.

The political parties of Puerto Rico presented different views with respect to the acceptance of the various definitions of the various formulas, particularly the definitions of the current territorial condition. To this was added definitions at total variance with the United States Constitution and with the United Nations concept of decolonization under international law.

On the other hand, the Chairmen of the three main political parties of Puerto Rico gave Congress a deadline for passing legislation leading to a

(Ms. Ramírez de Ferrer)

plebiscite in 1991. The date set was 4 July 1991. On that date, federal plebiscite legislation should have been approved and endorsed by the three main parties, which did not happen because of differences in political views. The United States Congress could have continued the process of considering plebiscite legislation during the 1991-1992 and 1992-1993 Congressional terms, but because of the general elections in 1992 the political parties decided to postpone the discussion of the process which would give Puerto Rico the right to a process of self-determination.

As of now, the Puerto Rican Government has indicated it will hold a plebiscite by 14 November this year.

As United States citizens, we, the residents of Puerto Rico, feel that the political future of the island is an internal, domestic issue, to be resolved within the process of the United States Constitution. However, we understand that international law recognizes independence and statehood as decolonization formulas, but that it would find it very difficult to recognize the territorial formula as a true decolonization solution for Puerto Rico.

Therefore, aware of the great interest of this body in resolving any existing colonial vestiges by the manifestation of peoples' right to self-determination, we invite this body to consider the political situation of Puerto Rico. However, we wish to make it clear that our organization supports resolution 1514 (XV). For all the reasons expressed above, we feel that the forum for clarifying this process relating to the final status of Puerto Rico should take place within the terms and conditions established by the Constitution of the United States of America, which protects all its citizens, including those residing on the island of Puerto Rico.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Alejandro Torres Rivera (Gran Oriente Interamericano de Puerto Rico) took a place at the Committee table.

The CHAIRMAN (interpretation from Spanish): I call on Mr. Torres Rivera.

Mr. TORRES RIVERA (interpretation from Spanish): In accordance with the request made this morning, I shall try to summarize the statement distributed to members of the Committee in an attempt to stay within the allotted time.

I, Alejandro Torres Rivera, am speaking as Highly Respected Grand Master of the Gran Oriente Interamericano of Puerto Rico, a Masonic Lodge with headquarters in Valles de San Juan. With me today are my Brothers René Colón and Rafael C. Cordero, Lieutenant Grand Commander and Treasurer of the Holy Empire, respectively, of the Supreme Council of Degree 33 for the North of the United States of America. We come before the Committee to express our repudiation of the colonial status our people suffer.

This case has been before the Committee since 28 August 1972. Various resolutions adopted have stressed, among other things, our people's right to full freedom, the exercise of our sovereignty and the integrity of our national Territory. Our people's right to absolute control over its natural wealth has been recognized, as has the Latin American character and identity of our people and its culture and language. The intervention and interference in Puerto Rico of the United States and its agencies have been denounced, in relation to the organizations and individuals who actively advocate and struggle for independence. The inaction by the United States Government with regard to its obligation to transfer the sovereign powers that lie with the Congress to the people of Puerto Rico has been denounced, and our people's

(Mr. Torres Rivera)

right to change its current political status under international law has been recognized.

Going against the current of contemporary history, while about 53 Territories have achieved the full exercise of their sovereignty and self-determination in the first 30 years since the adoption of resolution 1514 (XV), the imperialist aspect of the United States has pushed our people's situation in the opposite direction.

In the decision handed down by the United States Eleventh Circuit Court, in the case of the United States of America versus Rafael Sánchez, 992 F2d 1143, Judge Hill expressed the opinion that Puerto Rico is a Territory lacking its own sovereignty and whose only difference from the indigenous tribes within the United States is the fact that the Congress, by legislation, has conferred upon it the faculty of establishing its own Government. However, Judge Hill points out in her opinion that the United States Congress is the ultimate source of power under the Territorial Clause of the United States Constitution, which could repeal at any moment the Constitution of Puerto Rico and also repeal and replace the Federal Relations Law. As is clearly pointed out in that opinion, citing the case of Sims, versus Sims, 175 U.S.162, settled in 1899,

(spoke in English)

"In the Territories of the United States, Congress has the entire dominion and sovereignty, national and local, Federal and state, and has full legislative power over all subjects upon which the legislature of a state might legislate within the state."

(Mr. Torres Rivera)

Nevertheless, the position taken by the United States Government before this forum was completely different, and it justified it with General Assembly resolution 748 (VIII) of 27 November 1953.

What self-determination can be achieved by a people robbed of its sovereign rights? What exercise of self-determination can a Territory exercise when its sovereign powers, as a result of an act of conquest and military occupation, reside with the Congress of the metropolitan Power?

Puerto Rico's political and legal reality, leaving aside its economic relations with the mainland, is one of disadvantage, subordination and indignity. We thus endorse the proposal made by a broad anti-colonial sector in Puerto Rico with respect to the need, in the light of international law, for the International Court of Justice in the Hague to give an advisory opinion to the General Assembly defining the colonial or non-colonial nature of the Commonwealth of Puerto Rico as a subject of law.

We must also draw the Committee's attention to the importance of the Committee's keeping under study and attention the case of Puerto Rico.

There are three points of great importance to our society that make up part of the project of assimilation and annexation now under way in Puerto Rico. Let us look at each one in turn.

First, there is the assault on public housing in Puerto Rico. In Puerto Rico there are about 396 public housing projects where more than 225,000 people with low or no income at all live. In the face of the social, moral and ethical deterioration produced by the colonial reality itself, together with the growing deterioration of the people's quality of life and an increase in the crime rate, the Government's response has been to militarize and occupy those housing projects by means of operations in which hundreds of police

(Mr. Torres Rivera)

officers and national guards take part, under the pretext of eradicating locations where drugs are sold. But as has been pointed out by Ms. Madeline Román, professor in the Sociology Department of the University of Puerto Rico, this is actually a policy of victimizing the poorest sectors with the aim of making this militarization of our society into something natural. She says,

> "The occupations of the country's housing projects have copied the military strategy of destruction/reconstruction characterizing the international policies of the national States in expansionist phases: destruction by police and military forces as if they were dealing with enemy territory, followed by a reconstruction project, entailing the displacement of various Government agencies, whose only goal is to legitimize the destruction carried out, despite their obvious and proven inability to solve - or even alleviate - the problems confronting the most marginalized sectors of our society. Destruction/reconstruction. This seems to be the intention of the present administration ... ."

This vision constitutes a foreshadowing of the mechanisms colonial administrators could use in coming years when, if necessary for their interests, it comes to pushing through our resistance a project aimed at bringing about the final annexation of our people.

For the present administration, the Navy's remaining in Roosevelt Roads, the use of Vieques Island as a target-practice range for the American Navy and the navies of other Powers and the presence of scores of military installations in our territory to facilitate the hegemonistic and bellicose policy of the United States towards the rest of Latin America would now be strengthened by the transfer to Puerto Rico of the Southern Command, now located in the Panama Canal Zone. In this way the American military complex

(Mr. Torres Rivera)

would oppose even more bitterly the self-determination and independence of Puerto Rico, while at the same time it would add to the militarization of the country and provide the metropolitan Power with further justification for propagating the theory of the strategic value of the island in the United States "defence" plans.

The Puerto Rican Legislature has just promulgated a law to hold a plebiscite in November 1993. This law does not meet the standards of international law. The right of Puerto Rican nationals to vote is withheld, including the approximately 2.7 million living in the United States, while it will allow any United States citizen, under the electoral law of Puerto Rico, to vote. The plebiscite will be carried out without the prior transfer to our people of sovereign powers now in the hands of the United States Congress. It will take place with the presence and occupation of scores of United States military installations, which have historically taken part in acts of repression, harassment and persecution against the independence movement. There will be in the same plebiscite formulas of colonial and non-colonial status. There will be no supervision by international organs. No legal transition mechanism has been designed that allows the winning formula to be implemented. There has been no prior word from the metropolitan Power regarding the acceptance of the result of the referendum. The proposal did not come out of a consensus reached by the various political forces of the country, but was rather the product of a legislative majority. No amnesty has been declared for our political prisoners, prisoners of war or those now in exile or hiding.

This Committee should take note that at this time in American jails there languish 22 political prisoners and prisoners of war, the latter constituting

(Mr. Torres Rivera)

the majority. Many of them have been there for 13 years, serving sentences that average 70.8 years for males and 72.8 for females.

This legislation will not resolve our people's colonial problem, so its results will never be accepted by our variegated independence movement. The peoples represented by this Committee learned the historical reality that the important thing in the fight for self-determination is the achievement of independence. In this struggle the fundamental question is not how hard it is to achieve, but rather how much it is worth to keep it. The responsibility of the Special Committee is to ensure the eradication of colonialism for the international community. Our responsibility is the concrete achievement of the same end. We shall fulfil our historic responsibility to our people. By the same token, it is up to this Committee to carry out its responsibility before the international community.

Mr. Torres Rivera withdrew.

At the invitation of the Chairman, Ms. Sonia Iris Rivera (Movimiento de Liberación National Puertorriqueño) took a place at the Committee table.

The CHAIRMAN (interpretation from Spanish): I call on Ms. Rivera.

Ms. RIVERA (interpretation from Spanish): My name is Sonia Iris Rivera, and I am the spokeswoman for the Puerto Rican National Liberation Movement, a pro-independence organization made up of Puerto Ricans living in the United States. Our organization has testified before the decolonization Committee since 1978. We appear again this year to present the colonial case of our people and demand its right to decolonization and independence, knowing that this body upholds its duties and commitments.

(Ms. Rivera)

The colonial case of Puerto Rico first came before the United Nations in 1946, when it was recognized as a Non-Self-Governing Territory. In 1953, as a result of United States pressure, the question ceased to be considered when the Commonwealth and its Constitution were recognized, and it was stated that Puerto Rico had exercised its self-determination and achieved political sovereignty.

That situation changed in 1959. The Cuban revolution and other national liberation struggles triumphed at the time, and 16 African countries were admitted to the United Nations. This circumstance helped to bring about the General Assembly's adoption, in exercising its own freedom of choice, of resolution 1514 (XV), which

> "...proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations". (twelfth preambular para.)

In 1961 the decolonization Committee was established with the objective of guaranteeing self-determination and independence for peoples that still remain colonies. In 1972 it reconsidered once again the case of Puerto Rico and its right to independence.

(Ms. Rivera)

Today we face an entirely different picture. With the dismemberment of the Soviet Union and the end of the so-called cold war, struggling movements have surrendered their arms and a "new world order" has emerged. This "new world order" is yet another attempt by the dominant class to make economic and political readjustments to solve its internal crises, whose impact continues to be felt. To ensure the establishment of this "new world order" a "new weapon" of counter-insurgency is being used - "low-intensity war" - to continue interventions in third world countries, particularly the countries fighting for their self-determination and independence, with the prime objective of destabilizing and controlling the third world nations. This would be achieved, first, by preventing the emergence of countries with independent power, as in the case of Iraq, where thousands upon thousands of persons were massacred, including women, children and the elderly; and secondly, by reorganizing former colonies and independent States into new economic and political dependencies.

To achieve the objectives of this new imperialist strategy an ideological offensive is also needed by the multinational bourgeoisie. This can be seen through the ideological battle they are waging against the peoples struggling for their human rights, peoples who feel immobilized and powerless, some of whom have accepted the "social peace" or "democratic openings". This strategy is also evidenced by the emergence of new free trade agreements, and the idea that class conflict will be resolved through dialogue at a negotiating table.

As for Puerto Rico, we are feeling its effects as well. Puerto Rico is envisaged as playing an important role in these imperialist United States plans in relation to the Caribbean and Central America. An example of this is

(Ms. Rivera)

the plan for the Caribbean basin, which commits Puerto Rico to the role of servant of the multinational bourgeoisie's banks. In other words, Puerto Rico is to be converted in the transnational bank for United States money so that it can achieve maximum economic control in the Caribbean. The same as in 1952, the need to readjust once against our colonial economy and strategic role is becoming a priority for the United States.

This is evidenced by the talk in the United States Congress since 1989 of a "plebiscite", or let us call it rather consultations, to resolve the problem of Puerto Rico's "status". At this time the consultations are being promulgated by the New Progressive Party. This process will in no way change the colonial situation of Puerto Rico, since it results from the needs and interests of those above, of the dominant class, and it will be the Puerto Rican people who stand to lose. Thus, the lack of interest and hypocrisy of the United States Government as far as resolving in "good faith" the existing colonial conflict can clearly be seen.

Here in the "decolonization Committee" we see a different picture. It is said that this will be its last year of existence because it has accomplished its mission since there are no longer colonies in the world. If this were true, I would ask: What are we Puerto Ricans doing here expressing our colonial reality and demanding our right to independence and self-determination today? What can you call the social, economic and political crisis being suffered by the Puerto Rican people? We only have to look at the crisis to see that it is the product of the same existing colonial relationship. So I have to ask: What will be the Committee's commitment in the face of this reality being suffered by our people?

(Ms. Rivera)

We will be anxious to see what happens with this process. We do not want to happen to us what happened in Micronesia with the recognition of "free association" as a form of decolonization. A very important example to analyse here is the present situation of the Palau islands, the process of imposing "free association" and the attitude of the United States of not recognizing their self-determination and independence.

Will this be the policy in Puerto Rico? What will be the new plan which the United States Congress and the colonial Government are hatching? Will a new window dressing for the colony be devised, such as that of 1952, the "Commonwealth", recognized by the United Nations in 1953 as a decolonization and independence process? As someone said, "The basic problem of colonized thinking is the idea that the solution at the end of a period of dependence is to replace it with another type of dependence."

This is where we see the importance of this body. If this is truly the "Decade of decolonization", and recognizing that the Puerto Rican people is suffering the disease of colonialism, this body has to carry out its function, do its duty, keep its commitment, assume a clearer and more decisive position, and demand that the United States recognize our right to independence, and not allow itself to be pressured by its hegemonistic and imperialist policy as in 1953. The Committee must ensure that there is a process here which truly meets the needs of the people and guarantees the following principles or statutes as a minimum:

The transfer of powers to the Puerto Rican people; the freeing of Puerto Rican political prisoners and prisoners of war; the withdrawal of military bases; the elimination of all repressive agencies which do not allow the

(Ms. Rivera)

people freely to exercise their self-determination, such as the colonial courts, the secret police, the FBI, the CIA, and so forth; and economic reparations.

Independently, we as a people also have our role to play. We will defend our dignity as a people. We will keep our independent policies. We will take the right of every people which has been subjected to the colonial yoke and genocide to use all the means at our disposal, including armed struggle, to achieve our freedom. The Puerto Rican people has shown this determination through these 95 years of United States occupation.

We can bear witness to this with several examples: the resistance of the people to the United States invasion in 1898; the trade union struggles of the first decades; the role of the Nationalist Party in the decades of the 1930s, 1940s and 1950s, including the attack on Blair House and the Congress; and the emergence of a "new struggle for independence" by patriotic revolutionary organizations which have contributed to this liberation process, such as the Boricua - the Puerto Rican popular army - the Macheteros and the Armed Forces of National Liberation, to mention just a few, which, in the trenches, have been struggling with the people to show to the world that there is and will continue to be a struggle of the people, and that its decolonization and independence will be a reality, cost what it may.

As was said by Mao Tse Tung: "The oppressed peoples and nations should not place their hopes for liberation in the 'sensible' behaviour of imperialism and its lackeys. They will only triumph by strengthening their unity and their perseverance in their struggle."

Homeland or death; we shall triumph.

Ms. Rivera withdrew.

The CHAIRMAN: We have a long list of petitioners, which reflects the importance of this issue and the attention due it. The length of this list obliges us to request that petitioners be as concise as possible in their statements so that we may hear the opinions of all. Also, because of time and other constraints, we have needed to change, but as little as possible, the order originally set for our work this morning.

At the invitation of the Chairman, Mr. Juan Mari Brás (Causa Común Independentista) took a place at the Committee table.

The CHAIRMAN (interpretation from Spanish): I call on Mr. Mari Brás.

Mr. MARI BRAS (interpretation from Spanish): In compliance with the request for brevity, we shall pass over several paragraphs of the text we submitted to the Secretariat, but we wish to make it clear that everything contained in the text represents our position.

This is the twenty-second occasion on which I have appeared before this Committee on behalf of the people of Puerto Rico in its struggle for freedom and independence to demand that the United Nations fulfil its lofty obligation to require the United States Government to give both full recognition and appropriate support for a transition process that will make it possible for Puerto Rican nationals to exercise, without qualification or conditions, their inalienable right to self-determination and independence.

I come here this year to state, on behalf of thousands of our compatriots who met in Mayagüez on last 11 January in a historic meeting aimed at revitalizing and rechannelling along paths of unity our pro-liberty efforts, that the commitment of the Albizu movement remains today that of the present generation of Puerto Rican patriots and will be even more so for future patriotic generations. Let their be no doubt of this will, and let no one imagine that the voice of the true Puerto Rico will ever be silenced.

(Mr. Mari Brás)

There is no political manoeuvre backed up by any forces whatsoever, or change towards order or disorder in the world, or adjustments or accommodations by the United Nations or any other international organization, that can hold up, or much less do away with, the juggernaut of national affirmation based on the aspiration to independence of the most enlightened sector and strongest will of our people.

By the same token, we affirm here that we are most willing to seek points of consensus that will lead to a just and reasonable dialogue on how to untie the complicated knot of the colonial problem of Puerto Rico. Neither we nor the Committee nor anyone in the international diplomatic world, particularly in the United Nations, where we have had the opportunity to talk on the Puerto Rican question with hundreds of Presidents, Ministers, Ambassadors and diplomats in general for more than 30 years - no one is unaware that Puerto Rico is one of the most important colonial cases still facing the international community. Everyone here is aware that no one can speak seriously of achieving the full decolonization of the Earth by the end of the twentieth century without resolving the case of Puerto Rico. Let no one think that the case of Puerto Rico can simply vanish from the international agenda. The 16 resolutions on Puerto Rico adopted by the Special Committee in two decades of work cannot remain in limbo without affecting the institutional honour of this world Organization. This is known and recognized by the officials in Washington themselves who are dealing with this issue. No one can have greater interest at this time in maintaining the prestige and effectiveness of the United Nations than the United States Government itself.

Past Administrations of the American Government went along stepping up confrontations with the Special Committee mainly because of the case of Puerto Rico. Over the last two decades an obstruction has been formed between the

(Mr. Mari Brás)

United Nations and the United States Government with respect to the case of Puerto Rico. The Special Committee approved a series of demands made of the United States Government in connection with this issue. It is not true, nor has it ever been, that these demands were made in a spirit of confrontation caused by cold-war disputes. That is exactly why the end of the cold war has not eliminated the problem of the existing differences between the United Nations and the United States with respect to Puerto Rico. The Special Committee's pronouncements on Puerto Rico have always been ratified by the General Assembly. In recent years the resolutions on Puerto Rico in the Special Committee and its working group have been proposed by the Venezuelan delegation and have had the support of the countries representing in this body the Latin American and Caribbean region. The old theory that this was a cold-war "issue" cannot hold. It is clear that this "issue", like perhaps no other in the work of this Committee, is a Latin American and Caribbean one.

It is up to the Special Committee to find a procedural mechanism to help to overcome the present impasse with the administering Power on this important question. In this quest, the new Administration in Washington has an opportunity to help right a wrong that was mainly perpetrated by past Republican Administrations. Intensive and extensive consultations must be carried out at all levels to find this procedural solution here in the Special Committee. Obviously, such consultations will extend to foreign ministries and other organs of power and political action in the world, very particularly in Latin America, and also in Washington. Now, we Puerto Rican patriots have mediators talking to the United States Government who come from our own people here in the United States, where almost half of the Puerto Rican nationals reside. The function of their mediation in this process will be important in coming months.

(Mr. Marí Brás)

This is why we have requested and received a postponement until 1994 of the Committee's adopting a resolution. The deadline granted for the postponement is the one we requested to enable us to carry out the work of consultation required to put forward a proposal for a procedural solution here.

The proposal is in essence the one submitted today, which you will have heard, by the Puerto Rican Bar Association through its President, our colleague Carlos Noriega; it consists in requesting the General Assembly, in 1994, to forward a request for an advisory opinion from the International Court of Justice on what the status of Puerto Rico is in international law. Knowing what the legal opinion of the highest legal body in the United Nations is about how General Assembly resolutions 748 (VIII), 1514 (XV) and 1541 (XV) may or may not be reconciled in the case of Puerto Rico - and how those resolutions relate to the present status of the country and its real alternatives for the immediate future - will be an essential legal factor for enabling the Puerto Rican people to exercise their inalienable right to self-determination and independence.

The Puerto Rican Bar Association is, as its President rightly pointed out, the only Puerto Rican institution to have succeeded throughout the last half century in achieving consensus reports and resolutions that reflect harmonious participation by practically the whole national political spectrum in our country. The proposal that the Bar Association has just put forward deserves the support of all Puerto Ricans who favour the decolonization of our country. Therefore, the advocates of independence in the Encuentro Hostosiano have no qualms about supporting the proposal wholeheartedly.

(Mr. Marí Brás)

The so-called consultation referendum that has been agreed for next November by the present pro-annexation administration in Puerto Rico will not affect international publication of Puerto Rico's case now or next year. This is not a valid referendum by any means: it does not constitute an act promoting the Puerto Rican people's exercise of the right to self-determination. To begin with, the electorate that is to be consulted is not the Puerto Rican people; it is being aimed at United States citizens now residing in Puerto Rico. They are not all Puerto Ricans, and not all Puerto Ricans are in Puerto Rico.

Right now, more than 100,000 foreigners with United States citizenship are resident in Puerto Rico and will therefore be able to vote in this fake referendum. Conversely, there are over 2 million Puerto Rican nationals living in the United States - because they were pushed there by the colonial system - whose right to vote in this consultation is not being recognized.

Nor will the vote lead to any decision that is binding on the United States. Puerto Ricans will be asked to vote for alleged alternatives to independence, which is something no one has offered Puerto Ricans. We have no right - inalienable or even alienable - to be a state of the United States or a United States commonwealth country. Relationships like these are by their nature the result of negotiations between the parties, and the parties must be free to be able to negotiate. We therefore do not recognize this consultation, and condemn it as yet one more manoeuvre in the political game out of the many that time-serving politicians have used to string our people along and avoid the real solution to the serious colonial problem we labour under.

(Mr. Mari Brás)

At the same time, we give warning that this futile, party-politics exercise will not take away the determination and the desire that those of us who dedicate our efforts to the decolonization struggle have to go on seeking a procedural solution that would enable the Puerto Rican people to meet the United States and the international community - and vice versa - in order to resolve, once and for all, this tragic and heartbreaking dilemma that for 500 long years has subjected Puerto Ricans to the anomalous situation of having forged an indisputable national existence without being able to enjoy a single moment of independence during that half millennium.

So that this combination of efforts from the three sides that must come together to solve the Puerto Rican colonial problem can bear fruit, each of the three must simply and in full now do its fundamental duty. We in Puerto Rico are open to civilized discourse between opposed interests and to understanding and conciliation between them. However, this must be based on full respect for the equal dignity of Puerto Ricans, who are no invention of ours but rather people formed by historical and social forces who today are demanding their free and sovereign participation in forging a world of peace and progress for all.

May God assist you, members of the Committee, to do your part in that discourse.

The CHAIRMAN (interpretation from Spanish): I am particularly grateful to Mr. Mari Brás for the references he made to the work of the Committee in Puerto Rico's decolonization process.

I should like to repeat to petitioners that for the rest of the morning and in the meetings that remain we shall try to satisfy requests, where possible, to change the order of speakers; in our work this morning we shall

(The Chairman)

try to accommodate requests to make statements and the urgent requirements of petitioners who, because of other commitments, may need to leave early and have therefore asked for concessions in the matter of the order of speakers.

Mr. Mari Brás withdrew.

At the invitation of the Chairman, Mr. Carlos Gallisá (Partida Socialista Puertorriqueño) took a place at the Committee table.

The CHAIRMAN (interpretation from Spanish): I call on Mr. Gallisá.

Mr. GALLISA (interpretation from Spanish): The Committee has seven years left to fulfil the General Assembly resolution on eradicating colonialism from the face of the Earth in the course of this decade. The colonial case of Puerto Rico will be the difference between meeting and not meeting this obligation that the international community has imposed on itself of entering the twenty-first century without colonies.

This year, the Committee has postponed any resolution on Puerto Rico until next year. We share this position and the objective that inspires it: that of seeking a procedural consensus between all the parties concerned with a view to resolving the Puerto Rican colonial problem.

None the less, as we understand it, the Committee must not wait for the parties to set themselves in motion and take their own initiatives. In view of the intransigent position taken for years now by the United States in refusing to fulfil its responsibility as the colonial Power and in ignoring the resolutions that the Committee has for 21 years now been adopting - all of which have been endorsed by the General Assembly - it is our understanding that the leadership of the Committee must find a way to solve the problem with the United States directly.

(Mr. Gallisá)

The extraordinary work that has been done by the decolonization Committee will not receive its due recognition unless there is a solution to the case of Puerto Rico, which is the last large colony.

At this time, we must alert the Committee and the United Nations to a misnamed plebiscite to be held on 14 November in Puerto Rico. This event was devised by the colonial legislature, and we know it could not be held if it were opposed by Washington, D.C. We wish to underscore the fact that this is a false plebiscite and that it meets none of the international norms defining the exercise of the right to self-determination. So true is this that its own proponents admit that it does not fulfil international laws and some of them have even said that it should not be called a plebiscite. Suffice it to say that the very law authorizing the consultation stipulates that it is covered by the First Amendment of the Constitution of the United States, which gives United States citizens the right to petition the Federal Government. It is under the United States Constitution as it applies to the Territory that the consultation will be conducted. It does not commit or bind anyone, and for that reason many have called it a broad survey that will cost the people of Puerto Rico $10 million.

Those who will have the right to vote are American citizens residing in Puerto Rico, including all nationalized foreigners and all American residents of the island. With the residency and citizenship requirement, 2 million Puerto Ricans, the vast majority of whom reside in the United States, will be deprived of the right to vote and to decide on the destiny of their homeland. This means that it will not be nationals who decide but rather American citizens who reside in Puerto Rico. We might well ask ourselves if self-determination is possible when a colonial people expresses itself under the laws of the colonial Power.

(Mr. Gallisá)

We must alert this Committee to this manoeuvre, because we know that the results of the vote will be used as the United States and those who represent its policy in Puerto Rico see fit. This Committee surely recalls the last false plebiscite, held in 1967, which was used to divert the work of this Committee and to avoid the acquisition by this body of jurisdiction over the colonial case of Puerto Rico, as also occurred in 1972. There is no difference between the 1993 plebiscite and that of 1967. In both, colonialism remains an option before the people.

I have no doubt that once again an attempt will be made to present the results to the international community as the will of the Puerto Rican people regarding its political status, despite the fact that the law that was finally approved eliminated the provision that the results would express the will of the Puerto Rican people. This manipulation of the results of plebiscites and referendums on the island dates back to 1953, when it prompted the General Assembly to commit the grave error of adopting resolution 748 (VIII). We still see certain Governments hiding behind that resolution so as to avoid fulfilling their decolonization duties. We wish to alert the international community once again to further attempts at deception that will result from this false plebiscite.

Today, in 1993, 21 years after the resolution adopted by this Committee recognizing the right of the Puerto Rican people to self-determination and independence in accordance with resolution 1514 (XV), the colonial Power is refusing to carry out the mandate of the United Nations and is violating the Charter of this Organization, which was signed by the United States itself.

We are confident that, with the new international reality and the elimination of the fears and conflicts produced by East-West tensions, the colonial case of Puerto Rico can be seen as part of the principles of

(Mr. Gallisá)

decolonization endorsed by all mankind. It is up to this Committee to make the case of Puerto Rico more than mere written or oral rhetoric in defence of certain principles and to promote the corresponding actions to hasten the decolonization of Puerto Rico. This is the challenge before this Committee and each of its members. We are confident, first, that the challenge will be met and secondly, that it will be met successfully.

Mr. Gallisá withdrew.

At the invitation of the Chairman, Mr. Fernando Martín García (Partido Independentista Puertorriqueño) took a place at the Committee table.

The CHAIRMAN (interpretation from Spanish): I call on Mr. Martín García.

Mr. MARTIN GARCIA (interpretation from Spanish): My name is Fernando Martín García. I am Vice-President of the Puerto Rican Independence Party. I am speaking on behalf of my organization.

I should like first to congratulate the Committee on its having decided once again to exercise its jurisdiction over the colonial case of Puerto Rico by holding these hearings. For the people of Puerto Rico, the international community and the Government of the United States, that decision constitutes in this new era clear evidence of the recognition of colonialism in Puerto Rico and of this Committee's commitment to the full discharge of the responsibilities conferred upon it by General Assembly resolution 1514 (XV) to contribute effectively to the eradication of colonialism in today's world.

Unfortunately, the repeated appeals of this Committee have not been enough to prompt the Government of the United States to fulfil its obligations as administering Power. But this does not mean that these appeals have not constituted and do not constitute a powerful record and an enduring recognition of the need to decolonize Puerto Rico.

(Mr. Martín García)

As is well known, a legislative process was initiated in the United States Congress in 1989 aimed at resolving the question of the political status of Puerto Rico. That process was impeded in 1991 when many and deep-rooted political contradictions emerged from almost one century of colonialism in Puerto Rico, leading Congress, at least for the moment, to cease dealing with the problem.

None the less, we have no doubt that the path leading to the elimination of colonialism in Puerto Rico lies precisely in compelling the United States Congress to face up to those contradictions. Achieving this tactical objective, with a view to the strategic objective of achieving our national independence, will require a vigilant and committed attitude on the part of this Committee and the international community, and in particular the fraternal peoples of Latin America and the Caribbean.

(Mr. Martín García)

It also requires that the Puerto Rican Independence Party show the maturity and flexibility necessary for involvement in the political processes both in Puerto Rico and in the United States that are promoting the reconsideration of our colonial status. The basic principle that must guide us in this process and that must inform the resolutions this Committee adopts is that of the inalienable right of the people of Puerto Rico to self-determination and independence. That right has been negated by Puerto Rico's present colonial status and by the alternative of United States annexation of Puerto Rico - an alternative that for the Latin American people of Puerto Rico would mean nothing less than the victory of colonialism and of the attempt to extinguish our right to sovereignty.

It is common knowledge that on 14 November the Government of Puerto Rico will hold a referendum on the country's political status. As a local initiative without binding consequences, that event will have no legal effect on the international community or the United States Government; yet it will certainly produce a set of political facts that, in our view, will encourage the United States Congress to reopen its debate on the future of Puerto Rico.

In so far as that debate reflects the bankruptcy of traditional colonialism in Puerto Rico and leads to a growing awareness that annexation by the United States is impossible, it will contribute to recognition of the fact that the decolonization of Puerto Rico can take place only if its full sovereignty is recognized. The clear legal limitations of a process that is not and does not attempt to be consistent with the specific requirements of international law with respect to decolonization should not blind us to the fact that its political consequences could be positive and could foster

(Mr. Martín García)

conditions favourable to decolonization: it could produce results that will make the United States see the inevitable contradictions inherent in colonial domination.

I wish in conclusion to reiterate that the vigilance of this Committee, as guardian and promoter of our people's inalienable right to self-determination and independence, is more important than ever. The resolutions the Committee may adopt in the future on this subject will be a decisive ingredient in the debate that is about to take place within the United States Government on the case of Puerto Rico.

Mr. Martín García withdrew.

At the invitation of the Chairman, Mr. José Milton Soltero (Comité de Puerto Rico en la Organizacion de las Naciones Unidas) took a place at the Committee's table.

The CHAIRMAN (interpretation from Spanish): I call on Mr. Soltero.

Mr. SOLTERO (interpretation from Spanish): It is an honour for me as Chairman of the Comité de Puerto Rico en la Organización de las Naciones Unidas to address the Committee with a brother representative of Cuba in the Chair; I am accompanied by my associate, Ms. Vanesa Ramos.

The Comité de Puerto Rico en la Organización de las Naciones Unidas has coordinated the Puerto Rican effort to channel the solidarity of the international community through its paramount organization, the United Nations - and especially through this Committee - with a view to promoting and facilitating the process of the decolonization of Puerto Rico.

(Mr. Soltero)

Today, Puerto Rico is the last geopolitically important colony with such a highly developed nationality, civilization and culture that has been on the decolonization agenda - including that of The Liberator, Simón Bolívar - since the nineteenth century; that agenda has yet to be completed. Our current population is 3.5 million on the island and 2.5 million who have been displaced to the United States of America because of the metropolitan Power's colonialist activities in our land.

In 1993, Puerto Rico is the last serious obstacle blocking this Committee's completion of its agenda for the complete eradication of colonialism during this decade. This Committee, established by the General Assembly in its resolution 1514 (XV), has the job of ensuring that complete decolonization is accomplished throughout the world. Since 1972 it has adopted numerous resolutions on the case of Puerto Rico, all of which recognize the inalienable right of the people of Puerto Rico to self-determination and independence in accordance with resolution 1514 (XV).

Earlier today, the Committee heard from the Secretary of State of Puerto Rico, who spoke on behalf of the Governor of Puerto Rico. He recognized the authority the Committee has always had with respect to ensuring the decolonization of Puerto Rico. He made it very clear that the case of Puerto Rico was an international matter, not an internal affair for the United States, as for the past 40 years the United States of America has claimed.

Yet Puerto Rico remains the last important colony on Earth, for the sole reason that it is a colony of the twentieth century's most powerful country, the United States of America. That country conducted and continues to conduct

(Mr. Soltero)

its foreign policy as though the cold war were still in place; its geopolitical military outlook has closed its eyes and ears to the appeals made by this Committee, by the General Assembly and by many other international organizations that Puerto Rico should exercise self-determination and independence in accordance with resolution 1514 (XV).

It was the United States of America that after two years of talks on the political relationship between our two peoples, held from 1989 to 1991 on the unanimous request of Puerto Rican political leaders addressed to Congress, and following the end of the cold war, failed to adopt machinery for the United States Congress to accept the exercise by the Puerto Ricans of their right to self-determination. The United States Congress continues to hold sovereign power over our people; once again it is ignoring the wishes of all our political forces and the decisions taken by this Committee and other international bodies. Thus, Puerto Rico remains in its colonial status.

This recent United States action demonstrates again to the world and to international bodies that it is urgently important to put pressure on the United States. That is especially true of this Committee on decolonization and the vital forces in Puerto Rico itself, so that it will be possible to fulfil the world's demand that the 1990s see the decolonization of the entire world, even though the last remaining important colony has been under United States military conquest since 1898.

Hence, we respectfully ask the Committee to hold consultations enabling it next year to adopt a resolution that, when endorsed by the General Assembly, would submit the case of Puerto Rico tc the International Court of Justice which, after examining our colonial situation, would hand down an advisory opinion.

(Mr. Soltero)

This will be aimed at strengthening and clarifying the decisions already adopted by the Committee and the General Assembly on the case of Puerto Rico, so that by virtue of these decisions everyone - the United Nations, other international organizations and we, the people of Puerto Rico - will be able to convince the United States of America to implement self-determination and independence for the people of Puerto Rico, as has been the case for all other peoples the world over.

Resolving the colonial case of Puerto Rico would also give needed, vital strength to the 2.5 million Puerto Ricans, our brothers and sisters, who have had to seek their livelihood in the United States. Our independence would be the necessary impetus to give deeper roots to their political organization, strengthen their historic base and self-esteem, and increase the political power of the three Congressional representatives, Nydia Velázquez, José Serrano and Luis Gutiérrez - two of whom were born in Puerto Rico - who were elected to the Congress of the United States by Puerto Ricans living in the metropolitan country. This would help to decolonize these brothers and sisters of ours.

It is the existence of the colony that leads the Puerto Ricans living in the United States to remain in ghettos. This is why our disappearance as a nation, a civilization and a culture can only serve to instigate permanent confrontation in the United States, for civilizations and cultures cannot be swallowed up without resulting in indigestion.

I wish to conclude by expressing my gratitude to all those who have voted in favour of or abstained in the voting on the resolutions pertaining to our colonial case. We know how difficult and politically costly it has been to demand that the most powerful country in the world to decolonize Puerto Rico. With the end of the cold war, the next stages may be less

(Mr. Soltero)

difficult and you, Mr. Chairman, will be at the helm of this Committee as it concludes the process of decolonizing Puerto Rico and successfully completes the unfulfilled agenda of The Liberator Simón Bolívar, which includes the liberation of Puerto Rico.

I am convinced that, with Puerto Rico, we will be helping in achieving an end to the blockade of our sister in the Caribbean, Cuba, by the United States. This blockade is no longer justified and its real effect is genocide against the brothers and sisters of all Latin Americans. The late twentieth century should be a time for respecting the rights of others and therefore to recognize the political pluralism bequeathed to us as a mandate by Benito Juárez.

Venezuela, with the great example it is setting for us today with its defence of its sovereignty and participative democracy, has joined Chile in the great conquests of the last six years. Both have strengthened the work of a young republic in our Caribbean, Trinidad and Tobago. They have been and always will be worthy representatives of our Latin America in this Committee.

Let us move forward together, we and the Committee, so that Puerto Rico can achieve complete sovereignty by the year 2000 and so that the United Nations can say before the next millenium that it has fulfilled its commitment to peace: the eradication of colonialism from the face of the Earth. For a sovereign Puerto Rico, may all peoples of the world work together, from Washington, D.C. to Buenos Aires, in the new era of globalization.

The CHAIRMAN (interpretation from Spanish): I thank Mr. Soltero for the kind words he addressed to my country and to me.

Mr Soltero withdrew.

The meeting rose at 12.55 p.m.